IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9915/07
Mubarik Hussain Vs. State of Raj. & Ors.

Date of order : 3/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Mukesh Poonia for the petitioner.
Shri H.V. Nandwana, Dy. GA for respondents.

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Issue notice. Shri H.V. Nandwana, learned Dy. Government Advocate accepts notice for respondent nos.1 to 3.

The petitioner has challenged the order dated 3.9.07 whereby the allotment of the fair price dealership shop on the recommendation of the Allotment Advisory Committee was made in favour of respondent no.4.

It is contended that the allotment of fair price shop in Village & Post Jotruhalla, Tehsil Pahadi, District

Bharatput has been illegally made in favour of Mohammad Abbas-respondent no.4 because he happens to be younger brother of Mohd. Jakir, who is husband of Sarpanch Smt. Raila and she being member of the Allotment Advisory Committee participated in the proceedings and voted for allotment of the shop in favour of respondent no.4. It is contended that on a suit for participation of Allotment Advisory committee, the proceedings were initiated.

In the facts of the case, I do not deem it appropriate to directly entertain the writ petition. While the revisional authority while deciding the appeal shall in particular consider the aspect of allotment proceeding of the Allotment Advisory Committee on account

of participation of Smt. Raila w/o Mohammad Jakir who is brother of respondent no.4 within three months. If the shop in question has already not started being operated by the respondent no.4, the status quo with regard thereof shall be maintained till decision of the revision petition.

The writ petition stands disposed of with the aforesaid observations.

(MOHAMMAD RAFIQ), J.

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